

104th Congress, 2d Session - - - - - House Document 104-229

MAKING AVAILABLE APPROPRIATIONS TOTALING
\$111,016,158 IN BUDGET AUTHORITY TO THE FED-
ERAL EMERGENCY MANAGEMENT AGENCY

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

HIS REQUEST TO MAKE AVAILABLE APPROPRIATIONS TOTALING
\$111,016,158 IN BUDGET AUTHORITY TO THE FEDERAL EMER-
GENCY MANAGEMENT AGENCY, AND TO DESIGNATE THE
AMOUNTS MADE AVAILABLE AS AN EMERGENCY REQUIREMENT
PURSUANT TO SECTION 251(b)(2)(D)(i) OF THE BALANCED BUDG-
ET AND EMERGENCY DEFICIT CONTROL ACT OF 1985, AS
AMENDED—RECEIVED IN THE UNITED STATES HOUSE OF REP-
RESENTATIVES JUNE 6, 1996, PURSUANT TO 31 U.S.C. 1107



JUNE 7, 1996.—Referred to the Committee on Appropriations and ordered
to be printed

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29-011

WASHINGTON : 1996

THE WHITE HOUSE,
Washington, June 6, 1996.

SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: In accordance with provisions of P.L. 103-327, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995, and P.L. 104-134, the Omnibus Consolidated Rescissions and Appropriations Act of 1996, I hereby make available appropriations totaling \$111,016,158 in budget authority to the Federal Emergency Management Agency. These funds will be used to provide a community disaster loan to the U.S. Virgin Islands for loss of revenue as a result of Hurricane Marilyn.

I designate the amounts made available as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

In addition, I ask the Congress to consider amendments to the FY 1997 appropriations requests for the Departments of Commerce, Health and Human Services, Housing and Urban Development, and the Interior, and the Federal Communications Commission. These amendments would not affect the proposed budget totals.

The details of these requests are set forth in the enclosed letter from the Director of the Office of Management and Budget. I concur with her comments and observations.

Sincerely,

WILLIAM J. CLINTON.

Enclosure.



THE DIRECTOR

Estimate No. 14
104th Congress, 2nd Session

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

June 6, 1996

The President

The White House

Submitted for your consideration are requests to make available previously appropriated emergency funds totaling \$111,016,158 to the Federal Emergency Management Agency (FEMA). Your approval of these requests would enable FEMA to provide a community disaster loan to the U.S. Virgin Islands (USVI) to aid in its recovery from Hurricane Marilyn. Also submitted for your consideration are amendments to your FY 1997 appropriations requests for the Departments of Commerce, Health and Human Services, Housing and Urban Development, and the Interior, and the Federal Communications Commission.

Public Law 103-327, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995, provided a \$12,500,000 contingent emergency appropriation for the community disaster loan program, authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Of this amount, \$537,223 has been designated previously as an emergency requirement and made available. Of the funds remaining, \$7,016,158 is now needed to assist the USVI. In addition, P.L. 104-134, the Omnibus Consolidated Rescissions and Appropriations Act of 1996, permitted FEMA to transfer up to \$104,000,000 from the Disaster Relief Fund to the Disaster Assistance Direct Loan Program Account for community disaster loans. These funds are also needed at this time to assist the USVI.

The availability of the funds in both Acts was made contingent upon the President submitting a budget request to Congress and designating the entire amount requested as an emergency requirement. I recommend that you now designate these requests as emergency funding requirements in accordance with section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. At the FY 1996 subsidy rate of 87.26 percent, the funds made available would support a loan in the amount of \$127,224,568, the maximum amount FEMA has determined is available to the USVI under the community disaster loan program.

I have carefully reviewed this proposal and am satisfied that it is necessary at this time. As required by P.L. 104-134, the Director of the Federal Emergency Management Agency will certify that all requirements of the Stafford Act have been complied with for this loan before funds are made available to the USVI. I join the FEMA Director in recommending that you approve these requests by signing the enclosed letter to the Speaker of the House of Representatives. No further congressional action will be required on these requests.

The proposed amendments are largely due to P.L. 104-134, the recently enacted Omnibus Consolidated Rescissions and Appropriations Act of 1996. Since the Act had not yet been enacted when your FY 1997 Budget was prepared, new appropriations language was proposed in the budget for programs ultimately covered by that P.L. 104-134. Consequently, the budget presentation could not address the disposition of language provisions subsequently enacted in P.L. 104-134 that affect FY 1997 and later years. Amendments are now proposed that would revise the pending FY 1997 requests to effect changes in certain of these general and administrative provisions. As described in the enclosures, the language proposals include:

- o for the Commerce Department, repeal of a provision that restricts the payment of unemployment compensation for temporary employees hired for conducting the 1990 Decennial Census. This provision is no longer necessary given the agreement by the Department of Labor not to pursue reimbursement of the funds paid to these employees.
- o for the Department of Health and Human Services (HHS), modification of a provision that directs the Secretary of HHS to grant a waiver of Medicaid managed care quality standards to a particular HMO in the District of Columbia. The amended provision would cover only the current fiscal year. The original provision in P.L. 104-134 covered the period through October 1, 1999.
- o for the Department of Housing and Urban Development (HUD), extension, through FY 1997, of two provisions that were enacted in P.L. 104-134 for one year only. The amendments would permit the Secretary of HUD or a public housing agency to waive minimum rent requirements during FY 1997 and would expand the use of

modernization funding for public housing. In addition, an amendment is proposed that would modify a provision in order to provide flexibility to the Secretary on the use of funds available from terminated contracts.

- o for the Interior Department, repeal of a provision that would financially penalize self-governance Indian tribes in Washington State that take certain actions against non-tribal owners of lands within the tribes' reservation.

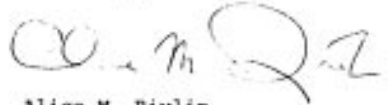
The proposed budget totals would not be affected by these language amendments.

In addition to the language proposals discussed above, amendments are requested that would:

- o for the National Oceanic and Atmospheric Administration in the Commerce Department, amend the pending appropriations language for the Operations, Research, and Facilities account to correct the amount requested, as reflected in the detailed FY 1997 Budget database.
- o for HHS, increase the pending requests for the Centers for Disease Control and Prevention and the Administration for Children and Families by a total of \$29.7 million. These proposals would increase funding for programs to prevent violence against women to the fully authorized level. The proposed increase in funding is fully offset by a reduction proposal contained in this package for the National Institutes of Health.
- o for HUD, reallocate \$15 million to the HOME Fund from the HOME Fund Challenge Grant program. The additional resources would be available for States and localities to support expanded rental and homeownership opportunities for low- and very low-income families.
- o for the Federal Communications Commission, modify the pending appropriations language to reflect correctly the amount of regulatory fees to be collected, as included in the detailed FY 1997 Budget database.

I have carefully reviewed these proposed amendments and am satisfied that they are necessary at this time. Therefore, I join the heads of the affected departments and agencies in recommending that they be transmitted to Congress.

Sincerely,

A handwritten signature in dark ink, appearing to read "Alice M. Rivlin". The signature is fluid and cursive, with the first name "Alice" being the most prominent part.

Alice M. Rivlin
Director

Enclosures

**EMERGENCY APPROPRIATIONS: AMOUNTS PREVIOUSLY
APPROPRIATED MADE AVAILABLE BY THE PRESIDENT**

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER ASSISTANCE DIRECT LOAN PROGRAM

Community disaster loans..... \$7,016,158

Title VI, Emergency Supplemental Appropriations, contained in Public Law 103-327, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995, provided \$12,500,000 for the community disaster loan program (section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act). The availability of these funds was made contingent upon the President submitting a budget request to the Congress and designating the entire amount requested as an emergency requirement.

On December 21, 1995, the President designated \$537,223 of the \$12,500,000 as an emergency requirement. At this time, an additional \$7,016,158 is needed for emergency requirements.

DISASTER RELIEF (INCLUDING TRANSFER OF FUNDS)

Community disaster loans..... \$104,000,000

Public Law 104-134, the Omnibus Consolidated Rescissions and Appropriations Act of 1996, allows FEMA to transfer up to \$104,000,000 from the Disaster Relief Fund to the Disaster Assistance Direct Loan Program Account for community disaster loans. The availability of these funds was made contingent upon the President submitting a budget request to the Congress and designating the entire amount requested as an emergency requirement. None of the funds has yet been designated as an emergency requirement and made available.

These amounts, totaling \$111,016,158, will enable the Federal Emergency Management Agency to provide a community disaster loan to the U.S. Virgin Islands (USVI) in the amount of \$127,224,568. The USVI, which is an eligible applicant under section 417 of the Stafford Act, suffered a loss of revenue due to severe damage suffered as a result of Hurricane Marilyn in September 1995.

Agency:	DEPARTMENT OF COMMERCE
Heading:	NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Heading:	Operations, Research, and Facilities
FY 1997 Budget Appendix Page:	272
FY 1997 Budget Pending Request:	\$1,971,215,000 (appropriation) \$3,000,000 (offsetting collections) \$1,968,215,000 (net appropriation)
Proposed Amendment:	\$3,000,000
Revised Request:	\$1,974,215,000 (appropriation) \$3,000,000 (offsetting collections) \$1,971,215,000 (net appropriation)

(In the appropriations language under the above heading, delete "\$1,971,215,000" and substitute \$1,974,215,000 and delete "\$1,968,215,000" and substitute \$1,971,215,000.)

This proposal would amend the pending appropriations language for the Operations, Research, and Facilities account to reflect correctly the amount requested, as included in the detailed FY 1997 Budget database. The proposed budget totals would not be affected.

Agency: DEPARTMENT OF COMMERCE

Heading: GENERAL PROVISIONS -- DEPARTMENT OF
COMMERCE

FY 1997 Budget

Appendix Page: 291

P.L. 104-134

Conference

Report Page: 32

Proposed Amendment: Language

(In the appropriations language under the above heading, insert the following new provision in the appropriate place:)

Sec. 204. Section 204 of the Department of Commerce and Related Appropriations Act, 1996 (P.L. 104-134) is hereby repealed.

This amendment would repeal a provision in P.L. 104-134 that restricts the payment of unemployment compensation for temporary employees hired for conducting the 1990 Decennial Census. This provision is no longer necessary given the agreement by the Department of Labor not to pursue reimbursement of the funds paid to these employees.

The proposed budget totals would not be affected by this language amendment.

AGENCY: DEPARTMENT OF HEALTH AND HUMAN SERVICES

BUREAU: CENTERS FOR DISEASE CONTROL AND PREVENTION

HEADING: Violent Crime Reduction Programs

FY 1997 Budget
Appendix Page: 481

FY 1997
Pending Request: \$31,642,000

Proposed Amendment: \$9,358,000

Revised Request: \$41,000,000

(In the appropriations language under the above heading, delete "\$31,642,000, to remain available until expended, which" and substitute \$41,000,000, to remain available until expended, of which \$31,642,000)

This amendment would increase the pending request to fully fund the authorized level for CDC's Violence Against Women Act programs. These funds would be used for Education and Prevention Grants to Reduce Sexual Assaults Against Women and for Community Programs on Domestic Violence. This amendment and associated amendments for the Administration on Children and Families are fully offset by an accompanying reduction proposal for the National Institutes of Health.

This proposal would increase FY 1997 outlays by \$3 million.

AGENCY: DEPARTMENT OF HEALTH AND HUMAN SERVICES
BUREAU: NATIONAL INSTITUTES OF HEALTH
HEADING: Buildings and Facilities
FY 1997 Budget
Appendix Page: 483
FY 1997
Pending Request: \$420,000,000
Proposed Amendment: -\$29,739,000
Revised Request: \$390,261,000

This proposal would reduce the pending request for the Buildings and Facilities account to offset the increased funding proposed for Violence Against Women Act programs, as requested in accompanying budget amendments for the Centers for Disease Control and Prevention and the Administration for Children and Families. The National Institutes of Health would still be able to fund all construction and renovation projects proposed in the FY 1997 Budget by using unobligated balances. The reduction in the pending request would be taken from projects other than the Clinical Research Center.

This proposal would decrease FY 1997 outlays by \$9 million.

AGENCY: DEPARTMENT OF HEALTH AND HUMAN SERVICES
 BUREAU: ADMINISTRATION FOR CHILDREN AND FAMILIES
 HEADING: Children and Families Services Programs
 FY 1997 Budget
 Appendix Page: 497
 FY 1997
 Pending Request: \$5,251,328,000
 Proposed Amendment: -\$32,619,000
 Revised Request: \$5,218,709,000

(In the appropriations language under the above heading, delete
 "the Family Violence Prevention and Services Act," and delete
 "\$5,251,328,000" and substitute \$5,218,709,000.)

This proposal would transfer \$32.6 million for Family
 Violence grants in the Administration for Children and Family
 Services account to the Violent Crime Reduction Programs account.
 This transfer would consolidate two budgetary line items that
 share the same authorization in the Violence Against Women Act:
 Family Violence grants and the Battered Women's Shelter grants
 program.

AGENCY: DEPARTMENT OF HEALTH AND HUMAN SERVICES
 BUREAU: ADMINISTRATION FOR CHILDREN AND FAMILIES
 HEADING: Violent Crime Reduction Programs
 FY 1997 Budget
 Appendix Page: 498
 FY 1997
 Pending Request: \$29,000,000
 Proposed Amendment: \$53,000,000
 Revised Request: \$82,000,000

(In the appropriations language under the above heading, insert 40155, after "sections 30401,"; and delete beginning with "\$29,000,000" to the end and substitute: \$82,000,000, of which \$29,000,000 shall be derived from the Violent Crime Reduction Trust Fund and shall remain available until expended: Provided, That \$13,600,000 shall be for the Community Schools Youth Services and Supervision Grant Program; \$60,000,000 for grants for Battered Women's Shelters; \$8,000,000 for grants for Runaway and Homeless Youth Sex Abuse Prevention; and \$400,000 for the National Domestic Violence Hotline.)

This proposal would: (1) transfer \$32.6 million for Family Violence grants from the Children and Families Services Programs account; and, (2) provide an additional \$20.4 million for programs to prevent violence against women. Of the \$20.4 million, \$12.4 million would be for women's shelters (in addition to the \$47.6 million requested in the FY 1997 Budget), and \$8 million would be provided to prevent sexual abuse of runaway and homeless youths. This amendment and associated amendments for the Centers for Disease Control and Prevention are fully offset by an accompanying reduction proposal for the National Institutes of Health.

This amendment would increase FY 1997 outlays by \$3 million.

Agency: DEPARTMENT OF HEALTH AND HUMAN SERVICES

Heading: TITLE V -- GENERAL PROVISIONS

FY 1997 Budget

Appendix Page: 694

P.L. 104-134

Conference

Report Page: 256 - 257

Proposed Amendment: Language

(In the appropriations language under the above heading, insert the following new provision in the appropriate place:)

Sec. 510. Section 517 of Title V of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996 (P.L. 104-134) is amended by deleting the phrase "or October 1, 1999, whichever shall be later".

This proposal would modify a provision in P.L. 104-134 that directs the Secretary of Health and Human Services to grant a waiver of Medicaid managed care quality standards to a particular HMO in the District of Columbia. This provision limits the Secretary's authority to enforce Medicaid managed care quality standards and grants preferential treatment to one particular HMO. The proposed amendment would modify the provision to cover only the period through the current fiscal year, and not the period through October 1, 1999.

The proposed budget totals would not be affected by this language amendment.

Agency:	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Bureau:	COMMUNITY PLANNING AND DEVELOPMENT
Heading:	HOME Fund
FY 1997 Budget Appendix Page:	512
FY 1997 Pending Request:	\$1,400,000,000
Proposed Amendment:	\$15,000,000
Revised Request:	\$1,415,000,000

This amendment would increase the appropriations request for the HOME Fund by \$15 million. The additional resources would be available for States and localities to support expanded rental and homeownership opportunities for low- and very low-income families. Activities include new construction, rehabilitation, and rental assistance for tenants.

An accompanying budget amendment would decrease correspondingly the pending request for the HOME Fund Challenge Grant program. Together, the amendments would not affect the proposed budget totals.

Agency:	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Bureau:	COMMUNITY PLANNING AND DEVELOPMENT
Heading:	HOME Fund Challenge Grant
FY 1997 Budget Appendix Page:	513
FY 1997 Pending Request:	\$150,000,000
Proposed Amendment:	-\$15,000,000
Revised Request:	\$135,000,000

This amendment would decrease the appropriations request for the HOME Fund Challenge Grant by \$15 million. These resources would instead be used in the HOME Fund, as proposed in an accompanying budget amendment. Together, the amendments would not affect the proposed budget totals.

Agency: DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

Heading: ADMINISTRATIVE PROVISIONS

FY 1997 Budget

Appendix Page: 546

Proposed Amendment: Language

(In the appropriations language under the above heading, make the following changes to Sec. 101. MINIMUM RENTS:)

After "as amended," insert or section 206(d) of the Housing and Urban-Rural Recovery Act of 1983 (including section 206(d)(5) of such Act); delete "and" preceding "(4)"; and insert the following new material before the period at the end of the section ; and (5) the Secretary or a public housing agency (including an Indian housing authority) may waive the minimum rent requirement of subsections (1)-(4) to provide a transition period for affected families. The term of a waiver approved pursuant to this section may be retroactive, but may not apply for more than three months with respect to any family.

This amendment would modify the pending FY 1997 Administrative Provisions for the Department of Housing and Urban Development (HUD). The proposed language would permit the Secretary of HUD or a public housing agency to waive minimum rents during FY 1997. A similar provision was included in P.L. 104-134, the Omnibus Consolidated Rescissions and Appropriations Act of 1996, for one year only. In addition, this amendment would apply the minimum rent provision to Section 206 programs, as is the case in FY 1996.

The proposed budget totals would not be affected by this language amendment.

Agency: DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

Heading: ADMINISTRATIVE PROVISIONS

FY 1997 Budget
Appendix Page: 546-547

P.L. 104-134
Conference
Report Page: 294

Proposed Amendment: Language

(In the appropriations language under the above heading, insert the following new provision in the appropriate place:)

Sec. 110. Section 8(bb) of the United States Housing Act, as added by section 208 of Title II of the Departments of Veterans Affairs, Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (P.L. 104-134) is amended by deleting "shall" before "in order to provide" and substituting "may".

This amendment would modify a provision in P.L. 104-134 that requires the transfer of funds from certain terminated contracts for use on similar contracts, even though funds may be unneeded in those contracts. The proposed amendment revises the provision to permit such transfers by the Secretary but not mandate them.

The proposed budget totals would not be affected by this language amendment.

Agency: DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

Heading: ADMINISTRATIVE PROVISIONS

FY 1997 Budget
Appendix Page: 546-547

P.L. 104-134
Conference
Report Page: 286-288

Proposed Amendment: Language

(In the appropriations language under the above heading, insert the following new provision in the appropriate place:)

Sec. 111. Section 201 of Title II of the Departments of Veterans Affairs, Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (P.L. 104-134) is amended in subsection (a) (2) by deleting "1996" and substituting "1997"; and section 1002(d) of Public Law 104-19, as amended by section 201(b)(1) of said appropriations Act, is further amended by deleting "September 30, 1996" and substituting "September 30, 1997".

The amendment would extend the applicability of a provision in P.L. 104-134 through FY 1997. The provision expands the use of modernization funding for public housing, including flexibility in the demolition and disposition of public housing. Similar provisions have been in effect beginning in FY 1995.

The proposed budget totals would not be affected by this language amendment.

Agency: DEPARTMENT OF THE INTERIOR

Heading: GENERAL PROVISIONS, DEPARTMENT OF THE
INTERIOR

FY 1997 Budget
Appendix Page: 626

P.L. 104-134
Conference
Report Page: 184

Proposed Amendment: Language

(In the appropriations language under the above heading, insert the following new provision in the appropriate place:)

Sec. 112. Section 115 of Title I of the Department of the Interior and Related Appropriations Act, 1996 (P.L. 104-134) is hereby repealed.

This amendment would repeal a provision in P.L. 104-134 that would result in the withholding of at least 50 percent of the FY 1996 and FY 1997 Self-Governance funds to any tribe in the State of Washington that: (1) takes unilateral action that adversely affects the rights of non-tribal owners of land within the tribe's reservation to access to water, electricity, or other utilities or necessities for the owners use of the land; and (2) restricts or threatens to restrict said owners use of or access to publicly maintained rights of way in connection with the above activities.

The proposed budget totals would not be affected by this language amendment.

Agency:	FEDERAL COMMUNICATIONS COMMISSION
Heading:	Salaries and Expenses
FY 1997 Budget	
Appendix Page:	977
FY 1997 Budget	
Pending Request:	\$70,015,000 (appropriation)
	\$153,123,000 (offsetting collections)
Proposed	
Amendment:	-\$600,000 (offsetting collections)
Revised Request:	\$70,015,000 (appropriation)
	\$152,523,000 (offsetting collections)

(In the appropriations language under the above heading, delete "\$153,123,000" and substitute \$152,523,000 in both places where it appears.)

This amendment would reduce the amount of offsetting collections that is available to the Federal Communications Commission. The pending appropriations language would be amended to reflect correctly the amount to be collected in regulatory fees from private industry, as included in the detailed FY 1997 Budget database.

The proposed budget totals would not be affected.

